

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

RONNIE VAN ZANT, INC., GARY R. ROSSINGTON,
JOHNNY VAN ZANT, BARBARA HOUSTON, as the
Trustee of the ALLEN COLLINS TRUST, and ALICIA
RAPP and CORINNA GAINES BIEMILLER, as the
Personal Representatives of the Estate of STEVEN
GAINES,

Case No: 17-cv-3360

Plaintiffs,

-against-

ARTIMUS PYLE (a/k/a THOMAS D. PYLE),
CLEOPATRA RECORDS, INC., JOHN DOE, JANE
DOE, XYZ CORPORATION, and XYZ LLC (the names
of the last four defendants being fictitious and unknown
to plaintiffs, and intended to designate persons or entities
that have or may have a role in the production and
distribution of the Motion Picture complained of in the
Complaint herein),

Defendants.

DECLARATION OF JARED COHN

I, Jared Michael Cohn, declare and state as follows:

1. I am a writer and director, and I wrote, and am in the process of directing, *Street Survivor: The Story of the Lynyrd Skynyrd Plane Crash*. I have personal knowledge of the facts stated herein, and, if called upon, could and would testify thereto.
2. I submit this Declaration in opposition to Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction.
3. I received a Bachelor of Fine Arts in Film and Television from the New York Institute of Technology, graduating *cum laude* in 2010. Since graduation, I have appeared as an actor in 33 films.

4. However, during this time, I have been primarily been a screenwriter and director. I have directed 23 films and written 14 films, all of which have been commercially released. These include films produced for the Lifetime Network, *Evil Nanny* (directing) and *Born Bad* (writing and directing). I directed *From the Sea*, a film that has been shown on the SciFi Network, and *God's Club*, a film with Christian themes that was released theatrically and also has been shown in churches.

5. In June 2016, Brian Perera of Cleopatra Entertainment, LLC ("Cleopatra") presented me with the opportunity to write and direct a film about the famous Lynyrd Skynyrd plane crash, which occurred October 20, 1977 in Gillsburg, Mississippi. I accepted Cleopatra's offer to write and direct the film, and started to work on the script.

6. The idea that Cleopatra and I had was to make a fact-based film about the three or four-day period, which included the day of the crash. The project was very attractive to me because I believed, as I still do, that the tragic story involved would make a captivating film about an extremely newsworthy event. I was also interested in the project because Cleopatra shared my desire to make the movie as accurate and detailed as possible.

7. In order to write the screenplay for the movie, I learned as much as I possibly could about the plane crash. For instance, I read every book I could find about the crash, including *Whiskey Bottles and Brand-New Cars: The Fast Life and Sudden Death of Lynyrd Skynyrd* by Mark Ribowsky; *Turn It Up! My Years with Lynrd Skynyrd: Love, Life, and Death, Southern Style* by Ron Eckerman (a crash survivor); *The Last Tour: Love, Laughter, and Tears: In Memory of Ron Eckerman* by Carolyn Day; and *Lynyrd Skynyrd: Remembering the Free Birds of Southern Rock* by Gene Odom.

8. There are also three films about the crash, which provided useful information, namely: *Lynyrd Skynyrd: Uncivil War* (2002), a VH1 film written and narrated by Jake Tapper that features

extensive interviews with Pyle about Lynryd Skynyrd and the plane crash;¹ *Sweet Home Alabama: The Southern Rock Saga* (2012), by BBC;² and *Gone With the Wind: The Remarkable Rise and Tragic Fall of Lynryd Skynyrd* (2015), which is nearly three hours long and also features interviews with Pyle about the band.

9. I read multiple news articles about the band and the plane crash, read and listened to various interviews with band members about Lynryd Skynyrd and the plane crash, and reviewed a web site devoted to information about the crash, www.tennesseeconcerts.com/planecrash (last accessed May 10, 2017). I viewed numerous other documentaries, YouTube videos, tributes, and online forums as well.

10. In addition, I enlisted the help of Dean Goodman, a historian who has written extensively about the crash. Mr. Goodman gave me his input as to its historical accuracy. Mr. Goodman has been doing extensive research for four years and is an accomplished author.

11. I also interviewed Artimus Pyle about his memories regarding the crash. Mr. Pyle has told the story of the crash quite often to the press, including the following:

- a. a 90-minute interview with Pyle on Howard Stern's radio show on January 17, 2017, about among other things the plane crash, <https://www.youtube.com/watch?v=3dtIISh0ylY> (last accessed May 10, 2017);
- b. a 90-minute interview with Pyle on the DJ Eddie Winters radio show on January 26, 2015, <https://www.youtube.com/watch?v=GltGL70QkQs> (last accessed May 10, 2017), an excerpt of which discussing the plane crash is also available on YouTube, <https://www.youtube.com/watch?v=cXKYAdDJ2Bw> (last accessed May 10, 2017);
- c. a June 13, 2015 interview with Pyle available on YouTube, see <https://www.youtube.com/watch?v=-11-NDZN05w> (last accessed May 10, 2017);

¹ This film is publicly available on YouTube. See <https://www.youtube.com/watch?v=wFIkQjDtwOw> (last accessed May 10, 2017).

² This film is publicly available on dailymotion. See http://www.dailymotion.com/video/x2c8n94_sweet-home-alabama-the-southern-rock-saga_music (last accessed May 10, 2017).

- d. a November 5, 2013 interview with Pyle available on YouTube, <https://www.youtube.com/watch?v=c3naooEC6IQ> (last accessed May 10, 2017); and
- e. a 1982 Modern Drummer interview with Pyle available on YouTube, <https://www.youtube.com/watch?v=eA6p0Jm6hqY> (last accessed May 10, 2017).

12. Although I used all of the information that I was able to obtain about the plane crash as background, I am the sole author of the script.

13. We will not use any recordings of Lynyrd Skynyrd, nor will we use any songs written by Lynyrd Skynyrd, in the film. We would have licensed Lynyrd Skynyrd musical compositions and recordings, however, I believe that plaintiffs, their music publishers, and their record company, would deny us any such licenses, or would make such licenses prohibitively expensive.

14. It is not our intention to mislead either the public, or, specifically, any movie-goer, about what this film is. It is an unauthorized film about a famous plane crash. We intend to place big “cards” in the opening credits of the film that say:

THIS FILM WAS NOT AUTHORIZED BY LYNYRD SKYNYRD,
NOR WAS IT AUTHORIZED BY ANY CURRENT OR FORMER
MEMBER OF LYNYRD SKYNYRD. BUT THIS FILM CONTAINS
FACTUAL MATTER ABOUT A TRAGIC EVENT.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 10th day of May, 2017 at Los Angeles, California.

By: 
Jared Michael Cohn